



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,876	06/21/2001	Randy L. Hackbarth	2-3-12	6076
46304	7590	02/01/2006	EXAMINER	
RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/886,876

Applicant(s)

HACKBARTH ET AL.

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-27 have been examined.

#### ***Response to Amendment***

2. This action is in response to Amendment A filed 9/23/2005. Claims 1-27 are pending in this application. This action is Final.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-27 rejected under 35 U.S.C. 102(e) as being anticipated by Tang et al ("Tang", US2002/0101446).

As per independent claim 1, Tang discloses a method for use in providing a Web team portal in a collaborative system comprising the steps of: setting up a plurality of team members to collaboratively communicate (Figure 18); automatically collecting presence information of each of said members in said team ([0111] lines 1-14); automatically determining a current location for each team member ([0103] lines 8-16); and dynamically displaying a visual representation having a plurality of display windows including at least said team members, said collected presence and location information ([01017] lines 1-14), and a set of mechanisms for a team member to use in conjunction

with said displayed presence and location information to initiate a prescribed mode of communicating with one or more others of said members in said team for a particular collaborative purpose ([0118] lines 1-5).

As per claim 2, which is dependent on claim 1, Tang discloses a method further including a step of a member of said team employing said displayed presence and location information and at least one of said mechanisms to initiate communication with one or more of others of said members in said team (Figure 18).

As per claim 3, which is dependent on claim 1, Tang discloses a method wherein said prescribed mode of communicating includes at least either an asynchronous or a synchronous mode ([0082] lines 20-21).

As per claim 4, which is dependent on claim 3, Tang discloses a method wherein said step of dynamically displaying includes a step of automatically updating one or more said plurality of display windows ([0075] lines 11-13).

As per claim 5, which is dependent on claim 4, Tang discloses a method wherein said steps of automatically collecting presence information include steps of automatically updating said presence and location information, respectively ([0111] lines 1-14).

As per claim 6, which is dependent on claim 5, Tang discloses a method wherein said presence information for a team member represents prescribed activities of said team member regarding one or more of predetermined instrumentalities and /or actions ([0116] lines 8-13).

As per claim 7, which is dependent on claim 6, Tang discloses a method wherein said set of mechanisms includes at least email, chat, voice call or the like ([0082] lines 15-26).

As per claim 8, which is dependent on claim 6, Tang discloses a method further including a step of maintaining said collected and updated presence and location information ([0111] lines 1-14) and a step of notifying said participants of changes of stats in said presence and location information for members in said team ([0115] lines 1-7).

As per claim 9, which is dependent on claim 9, Tang discloses a method wherein said set of mechanisms further includes persistent chat and said step of initiating communication further includes initiating a persistent chat session (Figure 8b).

Claims 10,18 are individually similar in scope to that of claim 1, and are therefore rejected under similar rationale.

Claims 11,19 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claims 12,20 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claims 13,21 are individually similar in scope to that of claim 4, and are therefore rejected under similar rationale.

Claims 14,15,22 are individually similar in scope to that of claim 5, and are therefore rejected under similar rationale.

Claims 16,23 are individually similar in scope to that of claim 6, and are therefore rejected under similar rationale.

Claims 17,24 are individually similar in scope to that of claim 7, and are therefore rejected under similar rationale.

Claim 25 is individually similar in scope to that of claim 8, and is therefore rejected under similar rationale.

Claim 26 is individually similar in scope to that of claim 9, and is therefore rejected under similar rationale.

As per claim 26, which is dependent on claim 26, Tang discloses a method wherein said set up unit communication further sets up third party calls ([0100] lines 1-12).

### ***Response to Arguments***

Applicant's arguments filed 9/23/2005 have been fully considered but they are not persuasive.

The Applicants state that they have not been<sup>n</sup> provided with a copy of the<sup>KK</sup> provisional application 60/248124 of Tang filed November 13, 2000, and therefore cannot determine if the relied upon disclosure from Tang is present in the provisional. As of October 29, 2004 provisional applications that are relied upon for their earlier filing dates in U.S. patent application publications or U.S. patents became available to the public via Public Pair. As a result, the transitional practice for supplying a copy of a provisional application relied upon to give prior art effect under 35 U.S.C. 102(e) to a

Art Unit: 2174

reference applied in a rejection has ended. However, the Examiner has provided a copy to alleviate the need to find the reference. Support for figure 18 can be found in the reference in at least Figures 3 and 4, wherein Figure 3 shows a Double clicking on a name entry initiates communications and Figure 4 shows an awareness for a list of users by showing activity and recent locale.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-

Art Unit: 2174

4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro  
Art Unit 2174  
Patent Examiner

RFP

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100